

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.1.3
Eastern Division**

7865 Industrial Drive, LLC

Plaintiff,

v.

Case No.: 1:08-cv-01147

Honorable Elaine E. Bucklo

Village of Forest Park, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, May 9, 2008:

MINUTE entry before Judge Honorable Elaine E. Bucklo: Defendant Calderone's motion (18) to dismiss, unopposed, is granted. Defendant Village of Forest Park's motion to dismiss is denied. The Village argues that it cannot be held liable because its municipal ordinance relies on state law. The cases it cites, e.g., *Quiones v. City of Evanston*, 58 F.3d 275 (7th Cir. 1995), hold exactly the opposite of defendant's argument insofar as plaintiff seeks declaratory and injunctive relief (damages may be a different question, but damages are not the primary issue in this case). "A person aggrieved by the application of a legal rule does not sue the rule maker — Congress, the president, the United States, a state, a state's legislature, the judge who announced the principle of common law. He sues the person whose acts hurt him." *Id.* at 277. In this case, so far as presently alleged, and not disputed by defendant, it is the Village that is acting in ways that are alleged to be unconstitutional. Whether the source of the Village's action is state or some other law, it is, as so alleged, the actor. Scheduling Conference set for 5/22/2008 at 10:00 AM. Parties to electronically file their proposed scheduling order before next conference. Motion hearing set for 5/16/08 is now vacated. Mailed notice(mpj,)

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